

THE HONORABLE JOHN C. COUGHENOUR  
THE HONORABLE S. KATE VAUGHAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INLAND NORTHWEST RENAL CARE  
GROUP, LLC d/b/a NORTHPOINTE  
DIALYSIS,

Plaintiff,

v.

WEBTPA EMPLOYER SERVICES, LLC  
and FIRST CHOICE HEALTH NETWORK,  
INC.

Defendants.

Case No. C19-1758-JCC-SKV

**JOINT MOTION TO ADJUST  
CERTAIN PRE-TRIAL DEADLINES**

The Parties to the above-captioned action, Plaintiff Inland Northwest Renal Care Group, LLC d/b/a Northpointe Dialysis (“Northwest”), Defendant WebTPA Employer Services, LLC (“WebTPA”), and Defendant First Choice Health Network, Inc. (“First Choice”) (collectively, the “Parties”) hereby jointly move to adjust the pre-trial deadlines related to discovery, dispositive motions, and settlement/mediation, consistent with the table set forth below. The Parties believe and agree that the deadline adjustments requested in this Joint Motion will allow sufficient time to complete their preparation of the case for trial and that the requested adjustments are necessary, in the best interests of the Parties, and supported by good cause. In support of this Joint Motion, the Parties state as follows:

1           1.       This lawsuit arises from a dispute between the Parties with regard to the rates  
2 that Defendant WebTPA paid for the dialysis and related services that Plaintiff Northwest  
3 provided to a specific patient under the PPO network operated by Defendant First Choice.

4           2.       Plaintiff Northwest filed this action on October 30, 2019. On December 6, 2019,  
5 Defendant WebTPA moved to dismiss all claims against it. After extensive briefing, Judge  
6 Theiler issued a Report and Recommendation on March 26, 2020 recommending that  
7 WebTPA's motion be denied. Dkt. No. 44. The Court adopted Judge Theiler's Report and  
8 Recommendation on April 14, 2020. Dkt. No. 45.

9           3.       Following the denial of WebTPA's motion to dismiss, the Parties began paper  
10 discovery in earnest, and those efforts continued until early 2021 when the Parties agreed to  
11 schedule a mediation for May 26, 2021. The Parties agreed to informally stay discovery  
12 pending the mediation in order to focus their efforts on preparing for the mediation.  
13 Unfortunately, the mediation was unsuccessful.

14           4.       Immediately following the mediation, the Parties continued their diligent efforts  
15 to complete discovery. In late 2021, the Parties agreed to a framework to conduct further  
16 mediations in February 2022 in order to hopefully resolve the case without the need for further  
17 litigation.

18           5.       In order to focus their efforts on settling this dispute, the Parties moved to stay  
19 this case and all related deadlines on February 2, 2022. Dkt. No. 67. On February 4, 2022, the  
20 Court granted that motion and entered an Order staying the case for a period of 90 days in order  
21 to permit the Parties to engage in settlement discussions. Dkt. No. 68.

22           6.       Despite the Parties' good faith efforts, they were unable to reach a mutually  
23 agreeable settlement. The Parties thereafter, on March 11, 2022, filed a motion to lift the stay  
24 and enter a new case scheduling order, which the Court granted on March 14, 2022. Dkt. Nos.  
25 69-70. After the Court lifted the stay, the Parties once again resumed their diligent efforts to  
26 complete discovery.

7. At present, all Parties have answered written discovery and produced documents and are resuming work to complete their remaining productions and resolve outstanding discovery disputes. Counsel for Northwest and WebTPA have held numerous meet and confer conferences throughout 2021 and 2022 that have successfully narrowed their discovery disputes in an effort to move this case toward the most efficient resolution. However, the Parties agree that they are not currently in a position to meet the deadlines related to discovery, dispositive motions, and settlement/mediation set forth in the current Case Scheduling Order.

8. The parties have conferred and stipulate and agree that the discovery, dispositive motion, and settlement/mediation deadlines can be adjusted, without extending the current trial date, such that the Parties will have sufficient time to complete document and deposition discovery, seek resolution of any remaining discovery disputes, and properly prepare their respective cases for trial. The proposed new dispositive motion deadline is left sufficiently in advance of the trial date to allow resolution of any such motions. For the Court's convenience, the Parties have included a table below that sets forth: (1) the case deadlines that they seek to continue, (2) the current date of each deadline, and (3) the recommended new date for each deadline:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
JURY TRIAL set for 9:30 a.m. on	4/24/2023	Unchanged
Length of trial	5 days	
Disclosure of expert testimony under FRCP 26(a)(2)	7/25/2022	11/18/2022
Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	8/15/2022	12/9/2022
All motions related to discovery must be filed by this date and noted for consideration no later than the third Friday thereafter	8/23/2022	1/13/2023
Discovery to be completed by	9/26/2022	1/13/2023
All dispositive motions must be filed by this date and noted for consideration no later than the fourth Friday thereafter	10/25/2022	11/23/2022
Settlement Conference per LCR 39.1(c)(2) held no later than	11/22/2022	2/3/2023
Mediation per LCR 39.1(c) held no later than	12/22/2022	3/3/2023

All motions in limine must be filed by this date and noted for consideration no earlier than the third Friday after filing but no later than the Friday before the pretrial conference	3/24/2023	Unchanged
Agreed LCR 16.1 Pretrial Order Due	4/10/2023	Unchanged
Trial briefs, proposed voir dire questions, proposed jury instructions, deposition designations, and exhibits due by this date; Counsel are to confer and indicate with their submissions which exhibits are agreed to	4/17/2023	Unchanged
Pretrial Conference	To be set as needed	

9. The adjustments requested above will allow the Parties to complete the discovery necessary to properly prepare this case for trial.

10. A Proposed Order is submitted herewith.

WHEREFORE, the Parties respectfully request that the Court issue a new Case Scheduling Order adjusting the pre-trial deadlines relating to discovery, dispositive motions, and settlement/mediation specified in this Joint Motion, consistent with the dates in the table set forth above.

Respectfully submitted by the Parties on this 21st day of July, 2022:

/s/ Carin Marney

Carin Marney, WSBA No. 25132  
LANE POWELL PC  
1420 Fifth Ave., Ste. 4200  
P.O. Box 91302  
Seattle, WA 98111-9402  
Tel.: 206-223-7000  
marneyc@lanepowell.com  
*Attorney for Plaintiff Northwest*

/s/ Robert Zaffrann

Robert Zaffrann, *Pro Hac Vice*  
Adam Santeusanio, *Pro Hac Vice*  
DUANE MORRIS LLP  
100 High Street, Suite 2400  
Boston, MA 02110  
Tel.: 857-488-4200  
rzaffrann@duanemorris.com  
amsanteusanio@duanemorris.com  
*Attorney for Plaintiff Northwest*

/s/ Wendy Lyon

Wendy Lyon, WSBA No. 34461  
FOX ROTHSCHILD LLP  
1001 Fourth Ave., Suite 4500  
Seattle, WA 98154-1065  
Tel.: 206-389-1667  
wlyon@foxrothschild.com  
*Attorney for Defendant First Choice*

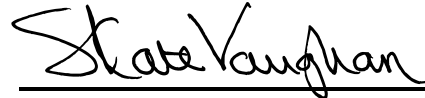
/s/ Andrew Holly

Benjamin Greenberg, WSBA No. 44120  
Andrew Holly, *Pro Hac Vice*  
DORSEY & WHITNEY LLP  
701 Fifth Ave., Suite 6100  
Seattle, WA 98104-7043  
Tel.: 206-903-5442  
greenberg.ben@dorsey.com  
holly.andrew@dorsey.com  
*Attorney for Defendant WebTPA*

**~~Proposed~~ Order**

The Parties' Joint Motion to Adjust Certain Pre-Trial Deadlines is hereby GRANTED and IT IS HEREBY ORDERED that the Clerk shall issue a new Case Scheduling Order adjusting the pre-trial deadlines specified in this Joint Motion consistent with the table set forth in the foregoing Joint Motion.

**SO ORDERED this 21st day of July, 2022.**

A handwritten signature in black ink, reading "S. Kate Vaughan", written over a horizontal line.

S. KATE VAUGHAN  
United States Magistrate Judge